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MARKEL INSURANCE COMPANY

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MARKEL INSURANCE COMPANY,  
Plaintiff,

v.

ROBERT C. GRAHAM, LTD. dba LAWYERS  
WEST dba ROBERT GRAHAM &  
ASSOCIATES; ROBERT C. GRAHAM, an  
individual; DELWYN WEBBER, an individual;  
MICHELE CHAMBERS, an individual;  
WILLIAM ELLISON, an individual;  
AUDREY GALLOWAY, an individual;  
OLESYA SIDORKINA, an individual,

Defendants.

Case No.: 2:17-cv-00975-RFB-GWF

**JOINT STIPULATION AND ORDER TO  
CONTINUE RULE 26(f) REPORT DUE DATE  
AND SCHEDULING CONFERENCE (F.R.C.P.  
16(b)(2), L.R. 7-1)**

**(FIRST REQUEST)**

IT IS HEREBY STIPULATED by and between plaintiff Markel Insurance Company ("Plaintiff") and defendants Robert C. Graham, Ltd. dba Lawyers West dba Robert Graham & Associates, and Delwyn Webber (collectively "Defendants"), by and through their counsel, that the Court is requested to enter an order to continue the due date for the Parties' Rule 26(f) Report, currently set for June 23, 2017, to **July 24, 2017.**

1. WHEREAS, Plaintiff filed its Complaint on April 5, 2017.
2. WHEREAS, Defendant Audrey Galloway was dismissed without prejudice on May 5, 2017.
3. WHEREAS, Defendant Delwyn Webber filed an Answer on May 9, 2017.

1           4.           WHEREAS, Defendant William Ellison was dismissed without prejudice on May 22,  
2 2017.

3           5.           WHEREAS, a Default was entered against defendant Robert C. Graham, an individual,  
4 on June 15, 2017.

5           6.           WHEREAS, Defendant Robert C. Graham, Ltd. dba Lawyers West dba Robert Graham  
6 & Associates filed an Answer on June 16, 2017 pursuant to a stipulated extension of time.

7           7.           WHEREAS, Defendant Michele Chambers was served with the Complaint on April 14,  
8 2017 but has not yet filed an appearance.

9           8.           WHEREAS, Plaintiff has been unsuccessful after several attempts in effecting service  
10 on Defendant Olesya Sidorkina. As a result, Plaintiff is preparing an Application for Service by  
11 Publication of Defendant Olesya Sidorkina.

12           9.           WHEREAS, Plaintiff intends to name Linda Graham, the spouse of Defendant Robert  
13 C. Graham, as a defendant in this case. Plaintiff filed a Motion for Relief From Stay in Linda Graham's  
14 Chapter 7 Bankruptcy proceeding in the United States Bankruptcy Court, District of Colorado (Case No.:  
15 16-22532-CDP). Plaintiff's motion is unopposed and will be heard on June 21, 2017. Should relief from  
16 the stay is granted, Plaintiff will amend the Complaint in this case to add Linda Graham as a Defendant.

17           10.          WHEREAS, the Parties intend to stipulate to continuing the Rule 26(f) Report due date  
18 to **July 24, 2017**, thereby also effectively continuing any Scheduling Conference, so that all Defendants  
19 may be added and/or served prior to scheduling the Scheduling Conference.

20           11.          WHEREAS, the parties can show the requisite "good cause" needed for this Court to  
21 grant the Parties' proposed continuance. *See* Fed. R. Civ. P. 16(b)(2) (noting that a trial court may  
22 continue a Scheduling Conference if "good cause" is found).

23                       (1) Defendant Olesya Sidorkina has not effectively been served.

24                       (2) Plaintiff intends to amend to the Complaint to add Linda Graham as a defendant.

25                       (3) Defendant Michele Chambers has not filed an appearance.

26                       (4) It would be premature to require the Parties to develop a Rule 26(f) Report and  
27 engage in pre-discovery correspondence when all Parties have not yet been served  
28 or had an opportunity to file a responsive pleading.

1 (5) Defendant Michele Chambers has not filed an appearance.

2 12. WHEREAS, Local Rule 7-1 allows the Parties to file stipulations with the Court, subject  
3 to Court approval.

4 13. WHEREAS, "the district court is given broad discretion in supervising the pretrial phase  
5 of litigation." *Zivkovic v. S. California Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002).

6 14. NOW, THEREFORE, the Parties stipulate that:

7 (1) the due date for the Parties' Rule 26(f) Report, currently set for June 23, 2017, be  
8 continued to **July 24, 2017**; and

9 (2) the scheduling conference, not yet on the Court's calendar, be set for some time  
10 after July 24, 2017.

11 IT IS SO STIPULATED.

12 **MORRIS POLICH & PURDY LLP**

13 Date: June 23, 2017

14 By: /s/ Nicholas M. Wieczorek  
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23 MARKEL INSURANCE COMPANY

19 **ANDERSEN LAW FIRM, LTD.**

20 Date: June 23, 2017

21 By: /s/ Ryan A. Anderson  
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ASSOCIATES

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1 **BLACK & LOBELLO**

2  
3 Date: June 23, 2017

By: /s/ Todd E. Kennedy

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10 Attorneys for Defendant  
11 DELWYN WEBBER

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13 **IT IS SO ORDERED.**

14 Dated this 27th day of June, 2017.

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17 UNITED STATES MAGISTRATE JUDGE  
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